

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE:

HATTIE B. OWENS
4 Savi Court
Durham, NC 27713
SSN: xxx-xx-1213

Debtor.

Case No. 10-80315
Chapter: 13

OBJECTION TO CONFIRMATION OF AMENDED CHAPTER 13 PLAN

Comes now Chrysler Financial Services Americas LLC f/k/a DaimlerChrysler Financial Services Americas LLC ("CFS"), by and through counsel, and in support of its Objection to Confirmation of Amended Chapter 13 Plan, would state and show unto the Court that:

1. On June 20, 2002 the Debtor purchased a 2002 Jeep Liberty, VIN 1J4GK58K42W342329 ("Vehicle"), said transaction being financed by CFS. A copy of said Retail Installment Contract is attached hereto and incorporated by reference.

2. To secure the amounts advanced by CFS, the Debtor granted to CFS a security interest in the Vehicle, which said security interest was perfected by notation on the Certificate of Title to said car as issued by the Commissioner of Motor Vehicles of the State of North Carolina. A copy of said Title is attached hereto and incorporated by reference.

3. Pursuant to the contract, the Debtor was to repay the amount of \$43,261.20, together with interest at 18%, in 72 monthly installments of \$600.85 each, commencing on July 20, 2002.

4. The Debtor filed this bankruptcy case on February 23, 2010 ("Petition Date").

5. The Amended Notice of Proposed Plan and Order Confirming Plan ("Plan") does not propose a specific claim amount to be paid to CFS, but provides for a payment schedule resulting in payment of approximately \$1,800.00, including interest, under the Plan. The Plan incorrectly states that CFS has not filed its Proof of Claim.

6. On the Petition Date, the payoff amount due under the Contract was \$25,270.60. A secured Proof of Claim was timely filed for this amount on March 3, 2010.

7. On the Petition Date, the NADA Goldbook retail value of this Vehicle was \$8,425.00.

8. The Plan does not meet the requirements of 11 U.S.C. § 1325 (a)(5) in that it does not propose to pay CFS the retail value of the Vehicle in equal monthly amounts.

WHEREFORE, the above premises considered, CFS prays:

1. That confirmation of the Plan, as presently proposed, be denied.
2. That CFS's secured claim in regards to the 2002 Jeep Liberty be valued at \$7,402.50, and paid together with 5.25% interest under the Plan.
3. For such other relief to which it may be entitled.

Respectfully submitted,

/s/Jacob C. Zweig
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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on the below date, the undersigned served a copy of the Objection to Confirmation of Amended Plan by depositing the same, enclosed in a postpaid wrapper, properly addressed to the following parties in interest, at their last known addresses as shown below, in a post office or official depository under the exclusive care and custody of the United States Postal Service:

John T. Orcutt
Debtors' Attorney
6616-203 Six Forks Road
Raleigh, NC 27615

Richard M. Hutson, II
Chapter 13 Trustee
302 East Pettigrew St., Suite B-140
P. O. Box 3613
Durham, NC 27702

Hattie B. Owens
4 Savi Court
Durham, NC 27713

THIS the 5th day of October, 2010.

/s/ Marcia Stevens
Marcia Stevens, Legal Asst. to
Jacob C. Zweig (NC Bar No.38641)
Attorney for CFS
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